

STATE OF NEW YORK

COUNTY OF KINGS)ss.

SHAHAWAR MATIN, being duly sworn, deposes and says:

1. On August 27, 2004, the date of my arrest, I awoke before sunrise to eat breakfast, as it was my practice to fast on the holy day of Friday. At approximately 2:30 that afternoon, I received a phone call from a Detective Torrano at the 68<sup>th</sup> Precinct asking me to come to the precinct to receive paperwork dismissing a pending state court misdemeanor assault charge. I then contacted my attorney's office (immigration attorney Mona Shah) and told them where I was going.

I then walked to the 68<sup>th</sup> Precinct on foot from my home at approximately 3:00 P.M. where I was met in front of the precinct by three plain clothes law enforcement officers. I was immediately handcuffed. When I asked why I was being arrested, I was told "you know what this is about". I was then placed in an unmarked car with the three officers and driven to what I later learned was 26 Federal Plaza. I have no recollection of being advised that I had the right to an attorney before being placed in the car or during the trip.

While in the car, I began discussing my misdemeanor case. I made it clear that I was innocent in that case and had not hit anyone and that I had been told by Detective

Torrano that the case was going to be dismissed. Again, the officer's response was "you

know what this is about.” During the ride, I repeatedly asked to be allowed to speak to my mother or father.

At 26 Federal Plaza, I was placed in a small, locked room with no windows . I was guarded by three men. I was told to sit at a small table, which I did and again asked to speak to my mother or father for assistance. Several time I asked the agents: “what are you going to do to me, why am I here, what am I under arrest for? I want to call my mother.” The agents told me that I could speak with my mother after I was questioned and that I had to tell the truth.

Thinking this was about the assault case, I kept insisting that I didn’t hit anyone and that the Irish guy hit me. The response was to not upset the prosecutor (“the attorney”) because he could help me.

After a period of time, I was moved to another room and I complained about pain from the tight handcuffs I was still in. No relief was provided. I asked to use the bathroom but was told I would have to wait. I was then moved to a third room, and here I met the prosecutor, three agents and another prosecutor who took notes on a yellow pad. I again asked to call my mother or father and was told that I could after I told the truth to the prosecutor.

I was then shown segments of video tapes and harshly questioned about the current case. Sometime after the questioning began I was handed what turns out to be a “Miranda waiver” document. I was told to sign it and, without reading it, did as I was told. The document itself indicates that it was signed at 6:27 P.M.

After the questioning was finished, I was finally allowed to call my mother

and tell her to get in touch with my attorney, Ms. Shah.

\_\_\_\_s/\_\_\_\_\_  
Shahawar Matin

Sworn to before me this 20<sup>th</sup>

day of September, 2005

\_\_\_\_s/\_\_\_\_\_  
Notary Public